

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121
Mark A. Kutney, AICP, Development Services Director: 797-1101

SUBJECT: Resolution

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 04-332 FROM \$1,350.00 TO \$769.94; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owner was cited for the following violation of the Town of Davie Code:

Section 9-22: Failure to maintain garbage and trash removal service.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondent agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The tenants of Bernadette Stevens (Bell) did not pay for garbage service. When Ms. Stevens (Bell) became aware of the situation she paid the bill and garbage service was resumed. The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$769.94 should be considered by the Town Council and the respondent given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet and Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 04-332 FROM \$1,350.00 TO \$769.94; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bernadette Stevens (Bell), has requested a mitigation of a Code Compliance lien from \$1,350.00 to \$769.94; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 9-22 was corrected; and

WHEREAS, the mitigation amount of \$769.94 is in accordance with the mitigation guidelines; and

WHEREAS, Bernadette Stevens (Bell), and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 04-332 in the amount of \$1,350.00, against Bernadette Stevens (Bell), is hereby mitigated in amount to \$769.94.

SECTION 2. That this mitigated amount of \$769.94 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$769.94 not be paid within the specified time the lien shall revert to the original amount of \$1,350.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

DATE: November 10, 2004

NAME: Bernadette Stevens (Bell)

ADDRESS: 670 Pine Ridge Terrace

CASE: 04-332

SUMMARY:

| | |
|----------------------------|-------------------|
| Date respondent cited: | February 20, 2004 |
| Date of Final Order: | March 24, 2004 |
| Non-Compliance Hearing(s): | April 15, 2004 |
| Fine/Lien(s) Imposed: | \$1,350 |

| | |
|---|-----------|
| Department Guideline recommended mitigation amount: | \$ 769.94 |
| Amount the respondent desires to pay: | \$ 769.94 |

The property owner was cited for the following violations of the Town of Davie Code:

Section 9-22: Failure to maintain garbage and trash service. Trash service has been paid for and has been resumed, therefore mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$769.94 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #04-158**

Respondent(s): Bernadette Stevens (Bell)

Address: 670 Pine Ridge Terrace, Davie, FL

Fine/Lien Amount: \$1,350.00

Mitigation Recommendation:
(as per approved mitigation guidelines)

| | | |
|---|---|-----------|
| a) 2.5% of \$1,350.00 | = | \$ 33.75 |
| b) 2% of \$1,350.00 27 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance | = | \$ 27.00 |
| c) Mitigation Base Fee (Town costs incurred by Code Compliance) | = | \$ 709.19 |
| Total | = | \$ 769.94 |

TOWN OF DAVIE MITIGATION GUIDELINES

FINE AMOUNT

RECOMMENDATION

Fine to \$10,000

**2.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$10,000 - \$20,000

**5.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$20,001 - \$30,000

**7.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$30,001 - \$40,000

**10.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$40,001 - \$50,000

**12.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$50,001 - \$60,000

**15.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$60,001 - \$70,000

**17.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$70,001 - \$80,000

**20.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$80,001 - \$90,000

**22.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$90,001 - \$100,000

**25.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

Over \$100,000

**30.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$709.19

***Subject to revision as per current staff salaries**

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *